

**Minutes  
Bar Harbor Planning Board  
April 16, 2008**

***Members present: Kay Stevens-Rosa, Chair; Mike Gurtler, Vice-Chair; Lynne Williams; Dave Bowden***

***Also present: Anne Krieg, Town Planner; Lee Bragg, Town Attorney; Kris Hultgren, Staff Planner***

**I. CALL TO ORDER — 5:31 p.m.**

**II. EXCUSED ABSENCES**

***Mr. Gurtler made a motion to excuse Mr. Cochary from the meeting. Mr. Bowden seconded and the Board voted unanimously to approve the motion.***

**III. ADOPTION OF THE AGENDA**

***Mr. Bowden made a motion to approve the agenda. Ms. Williams seconded and the Board voted unanimously to approve the motion.***

**IV. APPROVAL OF MINUTES**

***Mr. Bowden made a motion to approve the minutes from the April 2, 2008 meeting. Ms. Williams seconded and the Board voted unanimously to approve the motion.***

**V. REGULAR BUSINESS**

**A. Continuation of a Public Hearing – SD-07-05 – Sand Point Road Subdivision**

**Project Location:** 192 Sand Point Road, Bar Harbor Tax Map 204, Lot 62 and a portion of Tax Map 208, Lot 45

**Applicant:** Brian D. Shaw

**Application:** Proposes a 7 lot residential subdivision

Mr. Bowden recused himself from this agenda item.

Mr. Musson updated the Board on the project. He explained that the applicant is interested in receiving feedback from the Board in order to move the process forward.

Mr. Gurtler asked Mr. Bragg about the letters from Mr. Goodall who is representing the neighbors. Mr. Bragg commented that he stands by the letter from Ms. Meader.

Mr. Musson referred to the letter from Ransom Environmental that addresses the groundwater and its drawdown possibilities. The Board and the applicant discussed the groundwater impacts of the project.

The Board and the applicant continued to discuss groundwater and whether testing should be done at the parcel boundary lines or the proposed lot boundary lines.

The applicant submitted a modification of standard for the soil survey requirement 125-69 (N)(8)(d).

Ms. Williams commented that she favors continuing the public hearing to give neighbors the chance to review the modification of standard submitted by the applicant. Mr. Musson objected because the issue was raised previously in a letter by Ms. Meader.

Mr. Gurtler indicated that he agreed that the modification of standard was addressed in Ms. Meader's letter of April 4.

Ms. Stevens-Rosa opened the hearing to public comment.

Mr. Kennegieser, an abutter, commented about the soil suitability. He reiterated his feelings that the development does not fit into the fabric of the neighborhood.

Ms. Boyer, an abutter, distributed a map of the proposed development and described a possible vernal pool across the street from lots 1 and 2. She went on to describe her issues with the road accessing the back of the lot and the unsuitable soils on lots 1 and 2.

Brian Shaw, the applicant, commented that other houses are built on steep slopes in the area and those homes have not had problems like the ones described by Ms. Boyer.

Ms. Stevens-Rosa asked for some clarification on why the applicant built the road next to 1 and 2 and did not use the existing road through lot 6. Mr. Johnston responded that he believes that a road through lot 6 would have more impact on abutting properties.

Mr. Johnston reiterated the applicant's proposal to provide a 75 foot buffer to minimize the impact on abutting properties. He also commented that other houses in the area with septic systems use the same soils.

Ms. Opdyke, an abutter, asked who is going to maintain the septic systems and inquired about the size of the holding tank for the condominium units.

Ms. Stevens-Rosa asked how the applicant will monitor the septic system. Mr. Ross, representing the applicant, said the land owners will be monitoring their own septic systems. Mr. Ross indicated that language to that effect will be in the covenants.

Ms. Williams asked about the soil suitability on the lots. Mr. Musson described the difficulties in communicating the engineering mitigation efforts to citizens around town.

Mr. Musson reiterated his opinion that he believes the applicant has met the ordinance.

Sue Kannegieser, an abutter, referred to the comprehensive plan's language to protect the health, safety and welfare of the citizens of Bar Harbor as a reason to require additional changes to the proposed development.

Carolyn Falco commented about the quality of work the developer has put into this subdivision.

***Mr. Gurtler made a motion to close the public hearing. Ms. Williams seconded and the Board voted unanimously to approve the motion.***

The Board entered deliberations.

Ms. Williams asked the applicant to address the capacity size of the condominium holding tanks. Mr. Johnston said the size of the tank is based on the number of units.

The Board discussed the modification of standard submitted by the applicant at the beginning of the hearing. Mr. Gurtler believed that to protect the health, safety and welfare of the citizens of Bar Harbor the Board should use the most updated soil guide.

***Mr. Gurtler made a motion to accept the modification of standard submitted by the applicant on April 16 to protect the health safety and welfare of the citizens to use the most updated soil guide. Ms. Williams seconded and the Board voted unanimously to approve the motion.***

***Mr. Gurtler made a motion to continue the deliberations to the May 7 meeting. Ms. Williams seconded and the Board voted unanimously to approve the motion.***

## **B. Continuation Public Hearing – SD-07-12 – West Woods Subdivision**

**Project Location:** Norway Drive, Bar Harbor Tax Map 237 Lot 6

**Applicant:** Steve Cough

**Application:** Proposes to subdivide 8.5 acres into 3 lots

***Mr. Gurtler made a motion to continue the public hearing to the May 7 meeting. Ms. Williams seconded and the Board voted unanimously to approve the motion.***

## **VI. OTHER BUSINESS**

### **A. Land Use Ordinance Workshop**

#### *Planned Unit Development Ordinance*

Chris Spruce, the Executive Director of the Island Housing Trust, introduced himself and described his efforts to work with Shep Harris on developing a parcel of land in Town Hill.

Jules Opton-Himmel, representing Shep Harris, went through his presentation.

Jules described the goal of developing a parcel of land in Town Hill into a true neighborhood with a wide range of socioeconomic housing options.

Jules discussed the physical features of the site.

Jules stressed that as the PUD is currently written the proposed lot is better suited financially for a traditional subdivision.

Ms. Williams asked Mr. Spruce about the need for affordable rental units in town. She specifically inquired about the unsold units at the Compass Harbor development. Mr. Spruce indicated that there still is the need for affordable rental units on the island and as word spreads about the Compass Harbor units they will eventually be sold.

The Board reviewed the presentation with Jules and Mr. Spruce.

Carla Haskell, a member of the Conservation Commission, asked Jules if he considered the housing bonuses when developing the plan. Jules responded that he and his client did consider the housing bonuses.

Bob Garland commented about making the presentation at future public meetings.

Mr. Gurtler inquired about changing the percentage of income groups that are eligible for the affordable housing units.

Ruth Eveland asked to get materials to the Town Council as soon as possible and include a DVD in the packet.

#### *Dark Sky Lighting Ordinance*

Ms. Krieg gave an overview of the proposed Dark Sky Lighting Ordinance.

Peter Lord of the Island Astronomy Institute gave an overview of the proposed dark sky ordinance. He stressed the importance of well cut off lighting and controlling light trespass.

Mr. Gurtler questioned the impact of the lighting ordinance on small business owners because of the difficulty of interpreting the technical nature of the ordinance and the costs associated with the new standards.

Mr. Bowden concurred with Mr. Gurtler about the technical nature of the ordinance and its potential impact on small business owners.

Mary Ann Handell, a member of the conservation commission, spoke about the process of developing the ordinance in conjunction with the Design Review Board.

The Board discussed a walk around town to look at existing lighting.

#### *Shoreland Zoning Ordinance*

The staff planner, Kris Hultgren, gave an overview of the shoreland zoning updates. He explained that the state of Maine mandates shoreland zoning requirements so the updates to the Bar Harbor Land Use Ordinance are taken directly from the state.

Mr. Bowden inquired about the reasoning for certain provisions within the shoreland zoning standards that included foundations, tree replacement, natural feeding areas, the distinction between the state using the term “must be” versus the town using the term “shall” and uses projecting over water.

*Site Plan Review Procedures*

This item was tabled to the May 14 meeting.

**VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**

**VIII. ADJOURNMENT - 9:12 PM**

*Mr. Gurtler made a motion to adjourn. Ms. Williams seconded and the Board voted unanimously to approve the motion.*

*Signed as approved:*

---

Kevin Cochary, Secretary  
Planning Board, Town of Bar Harbor

Date